



PATENT
Attorney Docket No. 05725.1242-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Bertrand LION et al.)	Group Art Unit: 1796
)	
Application No.: 10/670,478)	Examiner: H. PEZZUTO
)	
Filed: September 26, 2003)	
)	
For: NOVEL BLOCK POLYMERS AND)	Confirmation No.: 7403
COSMETIC COMPOSITIONS AND)	
PROCESSES COMPRISING)	
THEM)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the listed documents on the attached PTO SB/08 Form. This Information Disclosure Statement is being filed with a Request for Continued Examination. Fees in the amount of \$810.00 are enclosed.

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patents, patent application publications, co-pending applications, and respective office actions are not enclosed as they are available on the Image File Wrapper of PAIR.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality

standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. See *also* M.P.E.P.

§ 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a statement regarding the non-English language documents:

1. **DE 2 330 956** - This document is believed to be related to U.S. Patent Nos. 3,946,749 and 3,990,459, cited on the enclosed Form PTO/SB/08.
2. **EP 0 637 600 A1** - This document is believed to be related to U.S. Patent Application Publication No. 2003/0191271 A1 and U.S. Patent Nos. 6,770,271 B2 and 6,106,813 A, cited on the enclosed Form PTO/SB/08.
3. **EP 0 656 021 B1** - This document is believed to be related to U.S. Patent No. 6,372,876 B1, cited on the enclosed Form PTO/SB/08.
4. **EP 0 751 162 A1** - This document is believed to be related to U.S. Patent Nos. 6,166,093 and 6,319,959 B1, cited on the enclosed Form PTO/SB/08.
5. **EP 1 366 746**: This document is believed to be related to U.S. Patent No. 7,176,170, cited on the enclosed Form SB/08.

6. **EP 1 604 634**: This document is believed to be related to U.S. Published App. No. 2005/0287103, cited on the enclosed Form SB/08.
7. **FR 1 580 545** - This document is believed to be related to U.S. Patent Nos. 3,716,633, 3,925,542, and 4,129,711, cited on the enclosed Form PTO/SB/08.
8. **FR 2 265 781** - This document is believed to be related to U.S. Patent Nos. 3,966,403 and 4,076,912, cited on the enclosed Form PTO/SB/08.
9. **FR 2 265 782** - This document is believed to be related to U.S. Patent Nos. 3,966,404 and 4,070,533, cited on the enclosed Form PTO/SB/08.
10. **FR 2 350 384** - This document is believed to be related to U.S. Patent No. 4,137,208, cited on the enclosed Form PTO/SB/08.
11. **FR 2 439 798** - This document is believed to be related to U.S. Patent No. 4,282,203, cited on the enclosed Form PTO/SB/08.
12. **FR 2 743 297** - This document is believed to be related to U.S. Patent No. 6,395,265 B1 and U.S. Published App. No. 2002/0150546 A1, cited on the enclosed Form PTO/SB/08.
13. **FR 2 811 993** - This document is believed to be related to U.S. Patent Application Nos. 2003/0124079 & 2004/0141943, cited on the enclosed Form PTO/SB/08
14. **JP 2000-83728**: This document is believed to be related to EP 1 018 311, cited on the enclosed Form SB/08 and submitted herewith.
15. **JP 2003-40336**: An English language abstract of this document is submitted herewith and cited on the enclosed Form SB/08.

16. **WO 03/46033**: This document is believed to be related to U.S. Patent Application Publication No. 2005/0020779, cited in the Information Disclosure Statement filed September 25, 2008.
17. **WO 94/03510** - An English language abstract of this foreign language document can be found on the title page of this document.
18. **EP 1 518 535 A1** - This document is believed to be related to U.S. Patent Application Publication No. 2005/0106197 A1, cited in the Information Disclosure Statement filed April 20, 2009.
19. **French Search Report for FR 0653144** - This is the Search Report for French Patent Application No. 0653144, which is the French priority application for co-pending U.S. App. No. 11/878,849 (Attorney Docket No. 05725.1651-00000).

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. See also M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.


Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: May 14, 2010

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